

1 Defendants MGM Resorts International, Mandalay Bay, LLC, Mandalay Resort Group,
2 MGM Resorts Festival Grounds, LLC, and MGM Resorts Venue Management, LLC (collectively
3 “MGM”) hereby move the Court for an order redacting supporting declarations of MGM
4 employees N.B., B.T., and K.D. and sealing the exhibits thereto. The exhibits to the declarations
5 of MGM employees N.B., B.T., and K.D. contain confidential and proprietary information
6 concerning security planning and procedures that would undermine security and public safety at
7 future public events. The declarations reveal personal information about certain MGM
8 Employees. Considering past media scrutiny and the practice of MGM attempting to protect its
9 customers’ and employees’ identifying information from the public, MGM seeks an order
10 allowing it to redact the individuals’ names and titles from the publicly available versions of the
11 declarations, with an unredacted copy filed under seal.

12 This Motion is made and is based upon all papers and pleadings on file, the declaration of
13 Michael R. Doyen, submitted with the Opposition to Plaintiffs' Motion to Remand, along with the
14 attached Memorandum of Points and Authorities, and any oral argument that this Court may
15 entertain.

16 | DATED: July 27, 2018 Respectfully submitted,

18 By */s/ Michael R. Doyen*
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MEMORANDUM OF POINTS AND AUTHORITIES

This Court has broad discretion to determine whether to seal or redact records from public filings. *Kamanakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). Generally, courts permit sealing a parties' confidential, non-public information when "compelling reasons" in non-disclosure outweigh those favoring public access. *Id.* Compelling reasons may exist "when such 'court files might have become a vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* at 1179 (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)).

This court has permitted the sealing of public records under the compelling reasons standard when disclosure could lead to public safety concerns. *See e.g., Goodman v. Las Vegas Metro. Police Dept.*, No. 2:11-cv-01447-MMD-VCF, 2013 WL 5743638, at *3 (D. Nev. 2013) (sealing portions of the deposition transcript of a Las Vegas Metro Police Officer in order to protect the safety of the officer’s family). Other courts have noted the importance of enabling parties to file under seal when public disclosure could reveal security procedures. *See e.g., Gullley v. Semple*, No. 3:16-cv-425 (MPS), 2017 WL 1025168 (D. Conn. 2017) (granting a motion to seal a video of a correctional facility because its disclosure would reveal security procedures that would endanger safety and security).

Here, MGM seeks to file the exhibits in support of its employees' declarations under seal. Exhibits A and B to the K.D. Declaration, and Exhibit E to the B.T. Declaration discuss security capabilities, planning, and procedures, and they include an Event Action Plan and other public safety procedures that are generally implemented in events such as the Route 91 concert. MGM does not generally disclose this information to the public. Doyen Decl. ¶ 7. Public disclosure could undermine the safety of guests at other events. The public interest in access to judicial records is outweighed by their interest in being safe at large events.

MGM also seeks to file the Event Security Services Proposal (the “Security Proposal”) provided by Contemporary Services Corporation (“CSC”) to MGM, which is Exhibit A to the Declaration of N.B., under seal. The Security Proposal discusses security planning and procedures provided by CSC at large events. As above, the public disclosure of such information

1 could undermine security and safety at future events. Moreover, the Security Proposal also
2 contains extensive information about CSC and how it conducts business, including how it trains,
3 hires, supervises and staffs events. This information is proprietary to CSC and its public
4 disclosure would be akin to requiring CSC to disclose a potential trade secret. Again, the public
5 interest in such information is outweighed by both the public's interest in security at future large
6 events and CSC's interest in protecting its valuable trade secrets.

7 MGM also seeks to redact the names and titles of the declarants from its employee
8 declarations that will be filed in the public record. MGM proposes to replace full names with
9 initials and to redact the job titles so the individuals cannot be located by a simple web search.
10 This redaction is necessary to protect these individuals from potential harassment and/or other
11 retaliation. Doyen Decl., ¶ 7. This Court has previously granted similar requests to seal
12 information about family members of the Las Vegas Metro Police Department to protect them
13 from the threat of harassment. *See e.g., Goodman.*, 2013 WL 5743638, at *3. The threat is no
14 different here and the names of the individuals should be sealed to protect them from similar
15 potential abuse. MGM will submit full copies of these declarations under seal.

16 The sealing of the exhibits and the redaction of the declarations, in no way jeopardizes the
17 "public's understanding of the judicial process . . ." *Kamakana*, 447 F.3d at 1189. MGM only
18 seeks to seal and redact a limited amount of information. Thus, there is little risk that the Court
19 will render a decision that the public does not understand.

20 For the foregoing reasons, MGM respectfully requests that this Court grant this Motion to
21 Seal and Redact.

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2 DATED: July 27, 2018

Respectfully submitted,

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By _____ */s/ Michael R. Doyen*

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21 Resorts Festival Grounds, LLC, MGM Resorts Venue
22 Management, LLC

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1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that I am an employee of Munger Tolles & Olson, and that on this
3 27th day of July, 2018, I caused to be e-filed/e-served through the Court's website true and correct
4 copies of the above and foregoing **DEFENDANTS' MOTION TO REDACT SUPPORTING**
5 **DECLARATIONS AND TO SEAL EXHIBITS IN SUPPORT OF ITS MOTION FOR**
6 **REMAND** to all parties in accordance with the CM/ECF service list.

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9 /s/ *Michael Lamb*
Michael Lamb

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